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Summary record of the 234th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 29 March 2016, at 3 p.m.

Chair: Ms. Cisternas Reyes

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention

Initial report of Portugal (CRPD/C/PRT/1; CRPD/C/PRT/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Portugal took places at the Committee table.*

2. **Ms. Antunes** (Portugal), introducing her country's initial report (CRPD/C/PRT/1), said that Portugal was strongly committed to promoting civil, political, economic, social and cultural rights for persons with disabilities. Moreover, it defended the universal, independent and inviolable nature of such rights. The report and the replies to the list of issues (CRPD/C/PRT/Q/1/Add.1) had been drafted with the assistance of experts on matters pertaining to disability in public sector institutions. Civil society organizations too had been encouraged to provide input and to submit shadow reports. She was particularly grateful to the Ombudsman and the Disability and Human Rights Observatory for their reports. The Ombudsman produced human rights indicators addressing areas such as health care and domestic violence and was developing specific indicators for persons with disabilities.

3. With a view to complying with article 33 (2) of the Convention, Portugal had set up a standing monitoring body composed of 10 experts, namely a member of the Assembly of the Republic (the national parliament), a representative of the Ombudsman's office, a member of the National Human Rights Committee, a member of the representative body of organizations of persons with disabilities, representatives of five NGOs dealing with disability and an academic who had undertaken important research in the area.

4. The National Secretariat for Rehabilitation had been established in 1977. The corresponding body was now known as the National Institute for Rehabilitation and was responsible for the implementation of policies in support of persons with disabilities. Before ratifying the Convention, Portugal had enacted legislation concerning areas such as physical and digital accessibility, employability, early intervention for children and inclusive education. Law 46/2006 prohibiting discrimination on grounds of disability was a vital piece of legislation that penalized acts of direct and indirect discrimination, regardless of their setting.

5. The National Institute for Rehabilitation had played a fundamental role in raising awareness. A weekly television programme had featured success stories on the inclusion of persons with disabilities and had publicized projects sponsored by organizations of persons with disabilities in partnership with companies and civil society organizations. Prizes for promoting accessibility included an accessible beach award and a prize for those municipal councils that took vigorous action to promote physical accessibility and the use of accessible communication technologies. The National Institute for Rehabilitation also played an important role in capacity-building for persons with disabilities.

6. Existing partial and plenary guardianship arrangements for persons with disabilities constituted a major shortcoming in Portuguese legislation. For instance, under the current law, blind and blind-deaf persons could be prevented from managing their personal affairs or estates. The parliament was currently reviewing the legislation. Hopefully, all provisions denying legal capacity on grounds of physical disability would be rescinded during the first half of 2016 and those denying legal capacity on grounds of intellectual disability would be restricted. Fortunately, the law had long been interpreted by the courts in a manner that impeded the denial of legal capacity on grounds of physical disability.

7. The period of compulsory education was 12 years. Children with disabilities had been integrated into mainstream schools since the 1980s, and the current proportion of

integrated children included in mainstream education was about 98.5 per cent. Preference for enrolment at nursery, primary and secondary levels was given to children with disabilities. However, shortcomings had been identified in terms of human resources, equipment and technology. She had signed a protocol concerning inclusive education on 28 March 2016 with the Minister of Health and the Minister of Education. The protocol provided for special education allowances and the introduction of subjects into curricula for children with multiple disabilities and those with autism spectrum disorders.

8. Social support to offset disability-related costs had been provided for several decades. The three basic aims were to promote social inclusion, to combat poverty among persons with disabilities and to promote their employability. The Institute for Employment and Vocational Training had developed assessment procedures for the training and employment of persons with disabilities and support measures for removing architectural barriers in workplaces. Employers could also receive monetary support when they hired persons with disabilities.

9. The Engenheiro Jaime Filipe prize was awarded for technological innovation that enhanced the living conditions of persons with disabilities.

10. The National Institute for Rehabilitation and the Portuguese Institute of Sport and Youth had provided support for the Paralympic project. Every year, they signed a range of protocols with sports federations with the aim of providing for adaptive sports.

11. As a blind person, she was honoured to serve as head of the Secretariat of State for Inclusion of Persons with Disabilities, which had been created by the current Government. The Secretariat planned to implement a range of projects and initiatives, including measures to regulate employment quotas in the private sector. A white paper on the agenda for inclusion would be finalized by the end of the year.

12. **Ms. Peláez Narváez** (Country Rapporteur) commended the State party on its appointment of a blind woman as Secretary of State for Inclusion of Persons with Disabilities.

13. She noted the persistence of the medical rehabilitation paradigm in many aspects of the life of persons with disabilities in the State party, including with respect to equal recognition as a person before the law and equal access to and participation in education and political life. Major steps had been taken to address the issue, and improvements were discernible in areas that had previously depended on a charity-based public policy.

14. The economic crisis and lack of financial resources had impeded the implementation of various legislative, political, social and economic provisions during the past five or six years. The austerity measures had adversely affected the extremely important work being undertaken by organizations for persons with disabilities, which frequently operated as service providers and sought to uphold the principles enshrined in the Convention.

15. The Committee was concerned that the denial of reasonable accommodation was not yet recognized as a form of discrimination under the State party's legislation and that employers were not legally required to guarantee such accommodation.

16. The National Plan for Gender Equality, Citizenship and Non-Discrimination contained only one measure designed to raise awareness of the problems faced by women with disabilities. The National Plan against Domestic Violence provided for measures to address the vulnerability of women and children with disabilities, but they were not being implemented in practice.

17. No specific measures had been taken to prevent the institutionalization of children with disabilities. The existing legislation actually promoted or facilitated the separation of children with disabilities from their families. For example, deaf, blind, visually impaired or

autistic children sometimes had to be transferred to schools in other towns, a move that occasionally entailed institutionalization. The National Disability Strategy failed to address the situation of children with disabilities.

18. While the State party had enacted quite comprehensive legislation on accessibility, recent legislation on urban regeneration had exempted historic buildings from full compliance with accessibility regulations.

19. It was essential to amend the provisions of the Civil Code that provided for the denial of legal capacity. The authorities were currently focusing on physical or sensorial disability, but article 12 of the Convention made no distinction between types of disability in respect of the recognition of legal capacity. With regard to liberty and security of the person, the Committee was concerned that people with mental disabilities might be subjected under Portuguese law to enforced internment for the purpose of treatment or in the interests of security.

20. She commended the National Programme for Mental Health, which offered persons with psychosocial disabilities direct access to care within their communities. However, persons with disabilities regrettably continued to be subjected, without their consent, to terminations of pregnancy, sterilization, scientific research, electroconvulsive therapy and psychosurgery. They could also be denied custody of their children under the plenary guardianship regime. Moreover, the State party had taken no action to assist parents with disabilities in rearing their children. While it was commendable that 98.5 per cent of children with disabilities were included in mainstream schools, segregation persisted within the inclusive education process, and the assessment of the educational needs of children with disabilities was reportedly based on the International Classification of Functioning, Disability and Health, in other words on the medical rehabilitation paradigm. Persons with disabilities also faced major restrictions on access to university qualifications in areas such as physiotherapy.

21. Prior to the October 2015 elections in the State party, the National Election Commission had allowed the election authorities to require that persons with "obvious" mental disabilities must present documentation proving their capacity to vote. Such requirements were incompatible with article 29 of the Convention.

Articles 1-10

22. **Mr. Tatić** asked how many complaints of disability-based discrimination had been received by the various authorities of the State party, how many cases had been prosecuted and whether anyone had been convicted of the criminal offence of discrimination on the grounds of disability. The delegation should provide additional information on the mechanisms established for monitoring compliance with accessibility laws and regulations and on the challenges faced and solutions found during the renovation of historic buildings in terms of making them accessible. What support services were available to wheelchair users like himself who, after landing at the Lisbon airport, might wish to transfer to a hotel, visit government buildings or access the office of an association of persons with disabilities?

23. **Ms. Quan-Chang** asked what measures had been taken to ensure that the disability certification procedure was accessible and affordable to all concerned and what benefits it provided. She wished to know whether the Government planned to broaden its consultation with organizations of persons with disabilities in policymaking and decision-making issues of concern to them, given the current low level of their participation. Had the complaint mechanism set up under the National Plan against Domestic Violence compiled statistics on the number of complaints of violence lodged by women and girls? The delegation should provide information on the status of such cases and on any protection measures that had been provided to the victims.

24. **Mr. Basharu** asked what steps were being taken to mainstream children with disabilities into society so that they could enjoy their rights on an equal basis with their peers. What measures was the State party taking to involve the media in its awareness-raising campaign on the rights of persons with disabilities, and to what extent were persons with disabilities and their representative organizations involved in the campaign? He requested a description of the progress that had been made under the National Plan for the Promotion of Accessibility and the level of involvement of persons with disabilities and their organizations in its implementation, particularly with regard to measures to guarantee accessibility to blind and deaf persons.

25. **Ms. Degener** said it was regrettable that, owing to a lack of government support, only one representative of civil society had been able to attend the interactive dialogue with the Committee. She expressed the hope that others could participate via the webcast of the meeting. She asked what measures the new Government planned to take in order to increase the participation of organizations of persons with disabilities in the implementation of the Convention. Did the State party's anti-discrimination law contain a definition of discrimination that included the denial of reasonable accommodation as a form of discrimination, and did it address multiple and intersectional forms of discrimination, such as that experienced by women with disabilities? She expressed concern that, in its report, the State party appeared to equate primary prevention measures, such as prenatal diagnosis and the prevention of road traffic accidents, with measures taken to implement the Convention. Doing so perpetuated the medical model of disability, to the detriment of the human rights model. She asked whether the State party had plans to review its prevention policy and to implement a human rights model of disability.

26. **Ms. Kingston** asked to what extent laws and policies on gender-based violence addressed questions related to disability and whether women with disabilities had been consulted in the preparation of such laws and policies. The delegation should provide the Committee with information on the number of women and girls who had been subjected to domestic violence in Portugal and should state whether the Government planned to use the indicators on violence developed by the Ombudsman. She would like to know what methods had been developed to ensure that the opinions of children with disabilities were taken into account by the Government and what measures were being adopted to combat gender and disability stereotyping in the mass media.

27. **Mr. Langvad** asked what initiatives were envisaged to ensure that organizations of persons with disabilities were provided the support they needed to act as genuine spokespersons for persons with disabilities at the local and national levels and with regard to the European Union, and not merely as service providers. The State party should give due consideration to that matter in its development goals. What initiatives did the State party plan to take to ensure that reasonable accommodation was not restricted to the field of employment, and that it would be addressed in all spheres of society and in relation to all laws? What legislation was planned to ensure that world heritage sites recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) were accessible not only for wheelchair users but for all disability groups? What percentage of public websites were currently fully accessible? As for those that were not yet accessible, what initiatives would be taken to guarantee their accessibility, and what mechanisms had been set up to enforce accessibility standards, including penalties for non-compliance?

28. **Mr. You** Liang said that the article containing the definition of disability was at the heart of the Convention and provided the foundation for the effective implementation of its other articles. The Convention's human rights approach represented a radical departure from the traditional model. Paragraph 36 of the State party's report suggested, however, that precedence was still being given in Portugal to the institutionalization of children and young people with disabilities, which was contrary to the spirit of the Convention. Did the

State party systematically review and take practical steps to change laws, policies and practices that were not in conformity with the Convention? He asked whether the Government took disability into account in its national plans for economic and social development. The delegation should provide detailed information on the provision of rehabilitation services and the early identification or early prevention of disability for children from birth until the age of 6, which was vital for ensuring the future enjoyment of their rights on an equal basis with others.

29. **Mr. Lovászy** requested an explanation of the State party's experience in applying the International Classification of Functioning, Disability and Health. The delegation should provide details concerning the sanctions for disability-based discrimination to which reference was made in paragraph 21 of the State party's report. Did the new Government have any plans to introduce changes to the Disability Commission? According to the report, a study on the impact on women of disability-based discrimination had concluded that women with disabilities were generally considered to be less productive than other women. What measures had been taken to change such assumptions? He asked whether easy-to-read and sign language versions of the Convention, apart from the child-friendly one mentioned in the State party's report, were available.

30. **Mr. Kim** Hyung Shik asked to what extent the Government consulted and supported organizations of persons with disabilities in efforts to give effect to the Convention and what plans it had to involve them in future efforts, especially those aimed at monitoring compliance with the Convention. He also asked what mechanisms had been adopted to monitor the implementation of the National Strategy on Disability and what outcomes had been achieved on the basis of such monitoring. What measures had been taken to raise awareness of disability rights in general? Had they also included the education of high-level policymakers, members of the legal profession and parliamentarians in the provisions of the Convention?

31. **Mr. Buntan** asked whether the public funding given to organizations of persons with disabilities was provided in accordance with a legal requirement or merely as a matter of policy and whether monitoring was conducted to ensure that such organizations had an effective level of participation in all matters affecting persons with disabilities. Would the State party consider amending its Constitution to incorporate the prohibition of disability-based discrimination? The delegation should inform the Committee whether accessibility standards had been codified by means of legislation and whether any laws or regulations had been adopted to ensure that future accessibility standards kept pace with international standards and practice.

32. **Mr. Pyaneandee** asked what percentage of the national budget was allocated to combating discrimination against persons with disabilities and to giving effect to the Convention, and what policy measures had been taken or were planned in order to increase such allocations as a share of gross domestic product.

33. **Mr. Al-Tarawneh** asked what actions the State party was taking to raise awareness of the rights of persons with disabilities and whether it provided financial support to organizations of persons with disabilities for such activities. He wished to know whether municipalities played a role in guaranteeing the accessibility of existing public facilities and whether they enacted laws or regulations to ensure that newly built structures complied with accessibility guidelines.

34. **The Chair** said that she wished to know why not all the measures provided for by the National Strategy on Disability for 2011 to 2013 had been taken. What was being done to ensure that the new strategy, which would be in effect until 2020, would not suffer a similar fate? Persons with disabilities who believed that they were victims of discrimination

reportedly had to file a complaint with the National Institution for Rehabilitation before bringing action before the courts. That in itself could be seen as a form of discrimination.

The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.

35. **Ms. Antunes** (Portugal) said that the medical approach to the assessment of disability was no longer prevalent in Portugal. In fact, all references to that approach had been removed from Portuguese legislation starting in the 1990s. A social approach currently underpinned all the work done with persons with disabilities. Some considered that the pendulum had swung too far and that undue pressure was put on those working with persons with disabilities to abandon a medical approach that, in some cases, was still necessary.

36. Persons with disabilities were in no way systematic victims of discrimination in the Portuguese labour market. A system to help employers provide reasonable accommodation was in place, and it functioned smoothly.

37. Since 2013, there had been a €50 fee for the delivery of a certificate attesting to the bearer's disability. The Secretariat of State for the Inclusion of Persons with Disabilities opposed the fee and was currently making efforts to have it abolished or considerably reduced. The certificate entitled the holder to a number of benefits, including various tax breaks and, since early 2016, a discount of 75 per cent on train fares.

38. The National Secretariat for Rehabilitation had been dissolved, and its place had initially been taken by a large, unwieldy commission on which a number of loosely related organizations had been represented. When it had become clear that such a commission was impractical, smaller, temporary commissions representing the interests of organizations of persons with disabilities had been set up as a stopgap measure. A proposal had been made to break the larger Disability Commission down into smaller commissions, each to be responsible for a given area of work, including disabilities and inclusion.

39. The National Institute for Rehabilitation worked closely with law enforcement agencies to combat violence against persons with disabilities, and specifically women. Agreements on training for police officers had recently been signed, for example, and a system had been set up for reporting violence and referring victims to appropriate service providers. More than 300 cases involving allegations of violence had been reported. Information on the percentage of the victims who were female was not available.

40. **Ms. Castello-Branco** (Portugal) said that, in accordance with the Constitution, international instruments ratified or approved by Portugal were an integral part of domestic law. The Convention was therefore directly applicable in the Portuguese legal order, and in fact it had been expressly mentioned in at least three rulings of the country's higher courts. Although article 13 of the Constitution, which stated that all persons were equal before the law, did not refer specifically to persons with disabilities, the equal rights of such persons were mentioned in article 71. The Constitution also enshrined a number of other rights to which persons with disabilities were entitled. A person's legal capacity could be limited only as duly provided for by law.

41. **Mr. Teixeira** (Portugal) said that in recent years all government agencies had received instructions to make their Internet sites accessible to persons with disabilities. As a result of ongoing efforts to comply with those instructions, 75 per cent of websites had been made accessible.

42. **Mr. Cunha** (Portugal) said that children, with or without disabilities, were given ample opportunity to make their views known in the education system. A recent order of the Ministry of Education, for instance, had stressed the obligation to take children's opinions of decisions concerning their future into consideration. In addition, conferences had been held throughout the country to enable young people, including children with

disabilities, to share their views on health education in the schools. Dozens of children between 3 and 6 years of age, with and without disabilities, had been asked for their views on a draft early childhood education curriculum. It had been the first time such consultation had been held in the history of the Portuguese education system.

43. The Portuguese authorities took the view that the International Classification of Functioning, Disability and Health (ICIDH-2) clearly rejected the medical approach and was consistent with a psychological and social approach to addressing disability. The Classification focused on the functionality of the individual in his or her environment. It thus stressed the accommodation to be made to enable persons with disabilities to function in their environment. The Classification was not a system for assessment; it was used simply to organize information provided by various specialists working with persons with disabilities. It was viewed as a mears of allowing specialists from different fields to share opinions about a given person. Previously, persons with disabilities had been put through multiple assessments carried out in unrelated contexts, a situation that had clearly been detrimental to their enjoyment of their rights.

44. **Ms. Castello-Branco** (Portugal) said that the law provided for administrative penalties in the event of discrimination on grounds of disability. When persons with disabilities were victims of a crime as a result of their disabilities, their representative organizations were entitled to consult the case files and attend hearings. In addition, the Criminal Code contained a number of provisions in which discrimination was referred to as a component of the offence. Discrimination could thus be an aggravating circumstance in a criminal case and could lead to more severe penalties. She would be glad to provide the Committee with information in writing on the number of convictions for crimes involving discrimination.

45. **Mr. Madeira Serôdio** (Portugal) said that as part of its work, the National Institute for Rehabilitation produced a yearly report on the enforcement of Law 46/2006, which prohibited discrimination on grounds of disability. The most recent such report that had been posted to the Institute's website covered 2014 and included data on the number and kind of complaints and gender-disaggregated information on the people involved, along with information on the bodies to which those complaints had been submitted and the responses they had elicited.

46. The Institute facilitated the submission of complaints when it received information about cases of possible discrimination. Persons with disabilities who could not afford a lawyer were given free legal aid. Apart from consulting case files and attending hearings, NGOs could also submit additional complaints. While Law 46/2006 contained a list of examples of discrimination, it was not exhaustive. Failure to provide reasonable accommodation could serve as a basis for submitting a complaint of discrimination on grounds of disability.

47. **Mr. Conceição** (Portugal) said that although it was possible for employers to argue successfully that the provision of reasonable accommodation to employees with disabilities constituted an undue burden, no such arguments would prevail when, as was often the case, public funds were involved. In connection with the costs of adapting workplaces and removing architectural barriers, the State matched the contributions made by employers, up to a total of €6,000 per workplace. The State also funded the acquisition of assistive devices vital for access to employment or vocational training. In 2014, the national Institute for Employment and Vocational Training had devoted nearly €1.8 million to such efforts.

48. **Mr. Palaio** (Portugal) said that although it was correct that the National Plan for Gender Equality, Citizenship and Non-Discrimination (2014-2017) contained just one measure specifically addressing the situation of women and girls with disabilities, a broader reading of the Plan would make it clear that many of its other measures targeted their needs

indirectly. One measure, for example, established a prize for the municipal councils that made the greatest efforts to promote accessibility.

49. Complaints of domestic violence could be filed with the police or the Public Prosecutor's Office. Disaggregated data on such complaints were not yet available, as an instrument to collect them had been in place only since late 2014. From 2005 to 2014, the Commission for Citizenship and Gender Equality had received seven complaints in which the predominant form of discrimination had been discrimination on grounds of disability. Those complaints had been referred to the National Institute for Rehabilitation.

50. **Ms. Chamiça** (Portugal) said that, of the 27,317 complaints of domestic violence reported to the police, 84 per cent had been from women and 63 per cent from persons under the age of 18. With regard to persons with disabilities as a specific group of victims vulnerable to violence, including domestic violence, the majority had physical disabilities.

51. **Ms. Ferreira** (Portugal) said that, according to data from mid-2015, 266 children and young people with disabilities had been in institutions. However, of that number, 211 had been subject to protection measures, which meant that they had been institutionalized because they were at risk of neglect, abandonment or violence, not because they had disabilities. The Government paid particular attention to the situation of children and young people with disabilities, providing benefits through the social protection system and signing agreements with NGOs for the provision of services. The State provided differential funding for the inclusion of children with disabilities in early childhood services, and in 2015 it had agreed to make an additional contribution of €90 for every child with a disability attending a crèche or nursery school. The integrated National System of Early Childhood Intervention was run with the cooperation of the Ministries of Labour, Solidarity and Social Security, Education and Health and provided a range of holistic support measures, including preventive and rehabilitation measures, for children up to the age of 6 and their families. The Ministry of Health was responsible for detecting those children who were at risk or who required an intervention programme. A national commission, regional commissions and local teams all took part in the System's operation.

52. **Mr. Fragoso** (Portugal) said that a fully accessible metro station linking the airport to the city centre had been opened in 2012 and that most metro stations were accessible to persons with disabilities. The public transport network was not yet fully accessible, but that was the aim. The same legislation governed accessibility of public transport and accessibility of the built environment. The European Railway Agency's stringent technical guidelines had been transposed into domestic legislation and by the end of 2016 Portugal would have to present its plans for implementation. The aim was to achieve a fully accessible European rail network.

53. **Mr. Batista** (Portugal) said that a decree had been issued in 2006 setting out the accessibility standards for the construction and renovation of public buildings, residential buildings and the built environment. However, in historic areas and buildings, there were many constraints that made it difficult to meet all of the technical accessibility requirements. Legislation had thus recently been passed exempting renovation works from having to comply with the technical standards, provided that existing conditions were not worsened.

54. **Ms. Antunes** (Portugal) said that the new Government was proposing the repeal of the legislation under which building renovation works were exempt from accessibility standards. It was not true that children with disabilities continued to be institutionalized in Portugal; they were integrated in mainstream education and attended well-equipped "reference" schools. Children living in the interior of the country did have to travel long distances to the nearest reference school, but the Ministry of Education provided transport and took care of all the logistics. The concerns expressed about segregation in mainstream schools were perhaps related to the units created for children with multiple disabilities and

autism spectrum disorders. Those units were only for the most serious cases, and there were many examples of children with such disabilities being fully integrated in regular classes. All children still had to spend at least 60 per cent of their time in regular classrooms. The 2016 budget provided for an increase in funding for organizations of persons with disabilities and new benefits for carers of persons with disabilities. In addition, all ministries would now have to declare the funding they had allocated to address disability issues.

Articles 11-20

55. **Mr. Langvad** said that, while a good deal of legislation had been enacted, it was not clear to what extent it was actually being implemented. He would be interested to know whether forced sterilization was prohibited by law and, if so, whether the prohibition was enforced in practice. Was it true that persons living in institutions received more financial support than those in independent living schemes? The replies to the list of issues referred to a network of long-term care facilities. What sort of facilities were they, if not institutions?

56. **Mr. Ruskus** expressed concern about the slow progress made in the area of deinstitutionalization. Although several psychiatric hospitals had been closed, there had reportedly not been a corresponding increase in alternative community-based services. Did the Government have any plans to develop a policy, regulations and practical measures to promote independent living and inclusion in the community for persons with intellectual and psychosocial disabilities?

57. **Mr. Tatić** requested information on the resources available to persons with disabilities who wished to have personal assistants and on training programmes for individuals who wished to perform such functions. Noting that a number of other European Union countries had used excellent technical expertise to make historic buildings accessible to visitors with disabilities, he asked whether Portugal had engaged in any networking with other States on that subject.

58. **Ms. Degener** requested information about procedural accommodations for persons with disabilities, such as sign language interpretation in the justice system. How much of the public budget was spent on institutional care and how much on community-based, non-institutional care?

59. **Mr. Lovászy** invited the delegation to comment on the outcome of the pilot project mentioned in the report addressing the needs of the deaf community in Faro, for civil protection and relief services. Were there plans to follow up on that initiative?

60. **Ms. Kingston** said that she too would be interested to hear how that pilot project had been progressing in rolling out SMS messaging to alert deaf persons in situations of risk or humanitarian emergency, in line with the Sendai Framework for Disaster Risk Reduction. What steps were being taken to introduce supported decision-making and to abolish all forms of guardianship? What measures were planned to prohibit detention on the basis of impairment? When did the Government plan to ensure that free and informed consent to any treatment or surgery must be provided in all cases?

61. **Mr. Buntan** asked whether the State party had any policies in place to ensure that its disaster risk reduction activities were inclusive of persons with disabilities. He asked whether there were any initiatives to support persons with disabilities in joining the legal profession. Had Portugal ever used European structural funds to subsidize large institutions for persons with disabilities, and did it plan to use such funds to promote community-based services and independent living?

62. **Ms. Quan-Chang** asked what procedural accommodations were made in the justice system to ensure the participation of persons with disabilities who were still subject to

substituted decision-making. Were there any plans to amend the provisions of the Code of Criminal Procedure according to which persons with disabilities were exempt from criminal responsibility? Were there any mechanisms to monitor the situation of persons with disabilities in places of deprivation of liberty, and were there any plans to designate an independent authority to monitor facilities and services for persons with disabilities, as required under article 16 (3) of the Convention?

63. **Mr. Kim** Hyung Shik said that, regrettably, insufficient information had been provided in relation to article 19 of the Convention. A human rights-based approach to deinstitutionalization must focus on the quality of life of persons with disabilities. He wished to know what measures were in place to ensure that institutional practices were not reproduced in independent living settings.

64. **Mr. Pyaneandee** asked whether the Supreme Court or the Constitutional Court had made any kind of judicial pronouncement as to what constituted discrimination. He wished to know about training provided to members of the judiciary or the prison service on the Convention and the percentage of persons with disabilities employed in the judiciary or in the legal profession.

65. **Mr. You** Liang, noting that according to the report, the institutional care of persons with mental illness as a security measure was geared towards the patient's rehabilitation and family and social reintegration, asked what measures were taken to protect the human rights of persons with mental illnesses, whether their will or preferences were respected, and whether the institutions in question were visited or monitored by competent agencies. The report stated that a judicial authorization was required for organ and tissue donation by living adults with mental disabilities and for the sterilization of incapacitated adults. He asked whether any legal procedures were in place to ensure the protection of the human rights of those persons.

66. **Ms. Peláez Narváez** said that she would welcome information on how persons with disabilities were taken into consideration in the State party's legislation, policies and programmes on asylum, refugees and immigration, and how many persons with disabilities had been granted political asylum or refugee status. She asked whether there were any plans to bring the legislation and practice concerning internment in psychiatric facilities and forced treatment of persons with disabilities into line with the Convention. What plans did the new Government have to ensure that persons with disabilities were not subjected to termination of pregnancy, sterilization, scientific research, electroconvulsive therapy or psychosurgical interventions against their will? The delegation should provide details of the annual budget for personal assistant services for persons with disabilities and information on the Government's plans to regulate the role of personal assistants.

67. **The Chair** asked what concrete measures had been taken to implement the 2013 recommendation by the Committee against Torture that solitary confinement should never be applied to persons with psychosocial disabilities. What security measures were imposed on persons with psychosocial disabilities who had committed crimes but were declared exempt from criminal responsibility? Were persons with disabilities whose rights had been violated obliged to refer their cases to the National Institute for Rehabilitation, or could they take them directly to the courts?

The meeting rose at 6.05 p.m.